

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA
PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.7293 of 1998

Dated: 31-01-2007

Between:

1. M. Ayyavaru Reddy (died) and 6 others.

... Petitioners

and

1. The District Collector, Cuddapah and 3 others.

... Respondents

ORDER:

This petition is filed seeking *mandamus* declaring the action of the respondents in dispossessing the petitioners from the land in an extent of Ac.4-83 cents in Sy.No.703/1-B, situated at Mamillapally village, Chintakommadinne Mandal, Cuddapah District, as arbitrary and illegal.

2. This Court on 19-03-1998 while issuing *Rule nisi*, in WPMP. No.8877 of 1998 ordered that the *status quo* in all

respects obtaining as on today shall be maintained until further orders. Subsequently, as the first petitioner died, his legal representatives filed a miscellaneous petition and the same was ordered and thus petitioners 2 to 7 were brought on record.

3. Brief facts are that petitioners father i.e. the first petitioner was granted a DKT patta on 19-07-1955 and since date of assignment the petitioners and their father are in continuous possession of the same without any interruption. According to the petitioners, without any notice whatsoever, the respondents are trying to dispossess them from the petition lands, which according to them is arbitrary and violative of principles of natural justice.

4. A detailed counter affidavit is filed, wherein it is stated that the land in question was originally assigned in favour of the first petitioner on 19-07-1955, but subsequently, as he failed to cultivate the said land, a notice was issued on 30-04-1993 calling upon him to show cause as to why the said assignment shall not be cancelled. As the first petitioner refused to receive the said show cause notice, the same was published on the Notice Board of the Gram Panchayat of Mamillapally. The said notice was also planted in the middle of the land and got published in the village by beat of tom-tom and thereafter according to the respondents the said land was resumed and reassigned in favour of an ex-service man.

5. Heard learned counsel for the parties.

6. The contention of the learned counsel for the petitioners is that there is absolutely no record to establish that the notice dated 30-04-1993 was served on the first petitioner.

7. If really, the notice dated 30-04-1993 was not served on the first petitioner as contended by learned counsel for the petitioners, the petitioners could have as well agitated the same in an appeal provided under Section 4-A of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'the Act'). In that view of the matter, this Court is not inclined to go into the contentions raised by the learned counsel for the petitioners.

8. Accordingly, the writ petition is disposed of with a direction to the petitioners to file an appeal provided under Section 4-A of the Act within a period of four weeks from the date of receipt of a copy of the order, and on such appeal being filed, the competent authority shall dispose of the same within a period of three months thereafter. It is made clear that till such time, *status quo* shall be maintained.

JUSTICE GOPALAKRISHNA TAMADA

Dt.31-01-2007
GLV